

Appl. No. 10/647,521

Attorney Docket No. 10541-1832

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

Claims 1 and 8 have been amended and claims 9, 10 and 13-17 have been cancelled. After entering this amendment, claims 1-8, 11 and 12 remain pending.

Examiner Interview

An examiner interview was held on March 28, 2007. In that interview, a proposed amendment to claim 1, identical to the attached amended claim 1, was provided to the examiner. The examiner indicated the likelihood that the proposed set of claims overcame U.S. Patent 4,453,591 to Fehr because Fehr discloses a separation wall attached to a portion of the heater core that is closest to the output openings (2, 3, 6). The amended claims disclose a separation wall that is attached to the first end and not the second end of the heater core, the second end being closest to the output opening.

Further Claim Clarifications

Prior to discussing the references, it is believed that a brief discussion on the current form of the Independent claim of this application is warranted. The independent claim of this application has been amended to clarify, more particularly to point out and distinctly claim that which applicants regard as the subject matter of the present invention. Specifically, the claim now recites



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that the first end of the separation wall is attached to the first portion of the heater core, with the second portion of the heater core being closer to the output opening than the first portion of the heater core.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-8, 11 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,453,591, to Fehr ("Fehr"). Applicants respectfully traverse these rejections.

The examiner stated that Fehr discloses a vehicle temperature system including a housing having an intake duct opening and an output opening, an evaporator core, a heater core downstream from the evaporator core, and a separation wall having a first and a second end. As to the separation wall, the examiner states that the first end of the separation wall is attached to a first portion of the heater core and extends along the length of the heater core.

Claim 1 has been amended to include the limitation of the second portion of the heater core is closer to the output opening than the first portion of the heater core, with the first end of the separation is attached to the first portion of the heater core. The separation wall of Fehr is attached to a portion of the heater core that is closest to the output openings (2, 3, 6). The invention claimed in amended claim 1 differs from Fehr in that (1) the second end of the heater core is closer to the output opening than the first end and (2) the separation wall is attached to the first end of the heater core. Thus, unlike Fehr, the separation wall is attached to the portion of the heater core farthest away from the output opening. From this, it is submitted that Fehr fails to



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disclose all the elements claimed in newly amended claim 1. The rejection based thereon should be accordingly withdrawn.

With respect to the remaining claims, these claims are dependent on claim 1 and therefore are patentable for at least the same reasons as given above in support of claim 1. Accordingly, allowance of these claims is respectfully requested.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted,

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Date


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